

Transcript of the Testimony of

WILLIAM WRIGHT, M.D.

June 7, 2019

Craig Shipp

v

Correct Care Solutions, LLC, et al.

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<p style="text-align: right;">Page 69</p> <p>1 EXAMINATION</p> <p>2 BY MS. MIDDLETON:</p> <p>3 Q. Dr. Wright, can you hear me okay?</p> <p>4 A. Yes, ma'am.</p> <p>5 Can you hear me all right?</p> <p>6 Q. Okay. Yes, I can.</p> <p>7 I just kind of want you to explain -- I hear</p> <p>8 you say something about it's the chain of command. Is</p> <p>9 that what I'm hearing you had a problem with?</p> <p>10 A. Yeah, I have a problem with that.</p> <p>11 Q. Okay. Is it -- do you have a problem with</p> <p>12 them involving the warden in this decision?</p> <p>13 Is that what you're saying?</p> <p>14 A. Well, the thing that seemed peculiar was that</p> <p>15 the warden would be involved in this in any case.</p> <p>16 He seemed to feel that he needed to have the</p> <p>17 shoes sent to him, for instance, while that was really</p> <p>18 not an appropriate thing to do.</p> <p>19 Certainly, security would be involved in</p> <p>20 checking the shoes when they got there. That's not the</p> <p>21 warden's job, but it seemed like everybody in medical</p> <p>22 had the impression that they couldn't really do</p> <p>23 anything until the warden said it was okay.</p> <p>24 Q. But then, did I hear you say that if the</p> <p>25 shoes had something metal on them, that's a possible</p>	<p style="text-align: right;">Page 71</p> <p>1 is that correct?</p> <p>2 A. No, ma'am.</p> <p>3 Q. No?</p> <p>4 A. No, ma'am. It's the right foot.</p> <p>5 Q. When he was admitted, he had the Charcot foot</p> <p>6 in the left foot or was it in the right?</p> <p>7 A. No. He had an ulcer on the left foot, and no</p> <p>8 Charcot deformity on that side.</p> <p>9 Q. Okay. Again, can you just, in your own</p> <p>10 words, tell me what it is you're saying that Warden</p> <p>11 Arnold did not do right.</p> <p>12 A. I think that Mr. Arnold should have been</p> <p>13 clear that this was a medical decision, and that he</p> <p>14 acted that way.</p> <p>15 He said several times that this is a medical</p> <p>16 type of problem; and yet, he kept injecting himself</p> <p>17 into it. I think everybody in medical is convinced</p> <p>18 that they had to clear things with the warden before</p> <p>19 they could do anything.</p> <p>20 MS. MIDDLETON: Hold on for just a second</p> <p>21 here.</p> <p>22 Okay. I think that's all I have right now.</p> <p>23 MS. ODUM: All right.</p> <p>24 MR. FRANSEEN: Okay. I do have some</p> <p>25 questions.</p>
<p style="text-align: right;">Page 70</p> <p>1 security problem?</p> <p>2 A. Yes, that's a possible security problem.</p> <p>3 Q. Okay. I also heard you say earlier that to</p> <p>4 treat his Charcot foot he would need to offload the</p> <p>5 weight.</p> <p>6 Is it on both feet or just the foot in</p> <p>7 particular that had the Charcot foot?</p> <p>8 A. The foot that was affected by the Charcot</p> <p>9 deformity.</p> <p>10 Q. Okay. So his orthotic shoes -- I'm not sure</p> <p>11 if I'm the right person to ask you this question, but</p> <p>12 I'm going to ask you this anyway:</p> <p>13 So were the shoes, the orthotic shoes, are</p> <p>14 they offloading the weight on that left foot that had</p> <p>15 the Charcot foot or both feet?</p> <p>16 A. Well, they are distributing the weight more</p> <p>17 evenly over the surface of the foot. In Charcot</p> <p>18 deformity, the bones of the foot collapse basically,</p> <p>19 and you often have a bone that's protruding under the</p> <p>20 skin, which would certainly ulcerate if you put weight</p> <p>21 on it for any length of time.</p> <p>22 And then you'd also have osteomyelitis, and</p> <p>23 so forth. So that's it, you don't want to have weight</p> <p>24 concentrated on one area of the foot.</p> <p>25 Q. And he had the Charcot foot in the left foot;</p>	<p style="text-align: right;">Page 72</p> <p>1 EXAMINATION</p> <p>2 BY MR. FRANSEEN:</p> <p>3 Q. When we talk about the testimony of Mr. Shipp</p> <p>4 and his sister on the chain of command of the</p> <p>5 shoes -- chain of custody of the shoes, is it common</p> <p>6 for a prisoner who has had property taken from them to</p> <p>7 be able to watch where that property went that entire</p> <p>8 time?</p> <p>9 A. No.</p> <p>10 Q. If the intake note indicates that a Crawford</p> <p>11 County officer brought the shoes and they were returned</p> <p>12 with him, could that be something that happened outside</p> <p>13 of the observations of Mr. Shipp?</p> <p>14 A. Yes. Mr. Shipp would not be aware of that.</p> <p>15 Q. And if the officer then returned back to</p> <p>16 Crawford County and the sister was then notified to</p> <p>17 come pick up them, does that fit within that intake</p> <p>18 note that the shoes were returned to Crawford County by</p> <p>19 the SWACCC?</p> <p>20 A. Yes.</p> <p>21 Q. And, I guess, regardless of whether Crawford</p> <p>22 County said, Hey, we're going to keep these shoes, or</p> <p>23 whether SWACCC said, No, those can't come in right now,</p> <p>24 the warden was notified on the 1st that Mr. Shipp</p> <p>25 needed his shoes?</p>

<p style="text-align: right;">Page 73</p> <p>1 A. Yes.</p> <p>2 Q. The warden didn't notify the H.S.A. on the</p> <p>3 1st to get these shoes approved by medical?</p> <p>4 A. No.</p> <p>5 Q. Mr. Shipp notified the intake nurse -- the</p> <p>6 C.C.S. employee intake nurse on the 1st about the need</p> <p>7 for his shoes?</p> <p>8 A. I'm sorry?</p> <p>9 Q. On the 1st, Mr. Shipp notified the intake</p> <p>10 nurse who is an employee of C.C.S. about the need for</p> <p>11 the shoes?</p> <p>12 A. Yes.</p> <p>13 Q. Did that employee of C.C.S. notify the H.S.A.</p> <p>14 director?</p> <p>15 A. No.</p> <p>16 Q. Did that nurse notify any medical</p> <p>17 providers -- doctors?</p> <p>18 A. No.</p> <p>19 Q. Are they critical of whether Mr. Shipp</p> <p>20 submitted daily medical sick calls -- is that kind of</p> <p>21 your impression based on the questioning?</p> <p>22 A. My impression was that Mr. Shipp talked to</p> <p>23 the nurses on a frequent basis, but did not submit</p> <p>24 written notes on a regular basis.</p> <p>25 Q. Whether you submit to medical in person or</p>	<p style="text-align: right;">Page 75</p> <p>1 case, to keep the weight off that foot.</p> <p>2 Q. And by failing to offload the foot, was that</p> <p>3 a violation of the standard of care for Dr. Lemdja?</p> <p>4 A. Yes.</p> <p>5 Q. Did Dr. Lemdja notify the H.S.A.?</p> <p>6 A. No.</p> <p>7 Q. In fact, did Dr. Lemdja refuse to document</p> <p>8 her encounter due to the liability according to an</p> <p>9 email?</p> <p>10 A. That's correct.</p> <p>11 Q. C.C.S. should have trained their employees</p> <p>12 when a medical device is needed for an inmate to notify</p> <p>13 the H.S.A. or warden?</p> <p>14 A. The proper procedure would be to notify the</p> <p>15 physician or nurse practitioner at first, and not just</p> <p>16 the nurses. And they would take the issue to the</p> <p>17 H.S.A. right away.</p> <p>18 Q. And that didn't occur in this instance, did</p> <p>19 it?</p> <p>20 A. No.</p> <p>21 Q. Same question on the 9th for Dr. Lemdja: Did</p> <p>22 she notify the H.S.A.?</p> <p>23 A. No.</p> <p>24 Q. Did she provide any sufficient offloading for</p> <p>25 Mr. Shipp?</p>
<p style="text-align: right;">Page 74</p> <p>1 through a written record, should it change the standard</p> <p>2 of care that the nurse or the doctor -- how they treat</p> <p>3 the known issues with that inmate?</p> <p>4 A. No.</p> <p>5 Q. Dr. Lemdja on the 5th knew about Mr. Shipp's</p> <p>6 need for his orthotic shoes?</p> <p>7 A. Yes.</p> <p>8 Q. Did she write any orders that sufficiently</p> <p>9 offloaded his feet?</p> <p>10 A. She didn't write -- let's see.</p> <p>11 Everything in the record was from the nurse's</p> <p>12 note that was working with Dr. Lemdja. She prescribed</p> <p>13 the antibiotic, but there was no effort to obtain</p> <p>14 orthotic shoes.</p> <p>15 Q. In your opinion, would padding be sufficient</p> <p>16 to offload Mr. Shipp's Charcot condition?</p> <p>17 A. No.</p> <p>18 Q. What should she have done if he could not</p> <p>19 have the orthotics that day until the time period that</p> <p>20 he needed his orthotics?</p> <p>21 A. Well, you can offload the -- the foot by, for</p> <p>22 instance, using a crutch and keeping that foot up off</p> <p>23 the ground.</p> <p>24 You could use a wheelchair. That's usually</p> <p>25 the thing that you would be interested in, in this</p>	<p style="text-align: right;">Page 76</p> <p>1 A. No.</p> <p>2 Q. The warden testified that he received phone</p> <p>3 calls from Mr. Shipp's family.</p> <p>4 Did he provide any testimony that he told the</p> <p>5 family, Here is the H.S.A. person you need to call,</p> <p>6 this is their name, this is their number?</p> <p>7 A. No.</p> <p>8 Q. Would that have been the appropriate step for</p> <p>9 him if that's what he believed needed to occur on that</p> <p>10 date?</p> <p>11 A. I believe that would be the appropriate</p> <p>12 thing, yes.</p> <p>13 Q. Same question for when Mr. Shipp wrote him on</p> <p>14 the 1st about the need for his orthotics: Should he</p> <p>15 have notified the H.S.A. about getting this approved?</p> <p>16 A. Yes.</p> <p>17 Q. Was there anything preventing the warden or</p> <p>18 the H.S.A. from contacting a doctor and asking them</p> <p>19 directly on the 1st, when they knew about this need,</p> <p>20 should this be approved or not?</p> <p>21 MS. ODUM: Object to form.</p> <p>22 A. That would typically be a function of the</p> <p>23 H.S.A. The H.S.A. has the job of administering the</p> <p>24 medical clinic.</p> <p>25 The warden is involved with administering the</p>

<p style="text-align: right;">Page 77</p> <p>1 entire prison or jail, so the warden could certainly 2 pass it along, but it's really not his job to do that. 3 If he's concerned about something maybe being neglected 4 in his facility, he would certainly notify the H.S.A. 5 right away. 6 Q. (BY MR. FRANSEEN) If a request comes to him 7 about a medical device, is it his duty to notify the 8 H.S.A.? 9 A. Yes. 10 Q. On the 12th, there was a note that says: 11 Feet were getting worse while he awaits for all the 12 necessary paperwork to be cleared? 13 A. Yes. 14 Q. Is that the paperwork that Dr. Lomax was the 15 first person to initiate on the 16th? 16 A. That's correct. 17 Q. And that is fifteen days after Mr. Shipp gets 18 into the facility and notifies both medical and the 19 warden that he does not have his orthotics? 20 A. Yes. 21 Q. During that time period, he not only develops 22 sores on his left foot, which was evaluated on the 5th, 23 but also develops sores on his right foot? 24 A. Yes, he had at that time. 25 Q. Is it your opinion that had the facility</p>	<p style="text-align: right;">Page 79</p> <p>1 The intake note would have -- 2 Q. No, it's not an intake, it's in his request. 3 He sent an inmate request to the warden on February 1st 4 right when he -- right after intake. 5 And I thought I heard you say that he should 6 have sent that to the H.S.A.? 7 A. Well, that would be the person to send it to, 8 but -- let's see. 9 Is this on the 1st? Yes. 10 MS. MIDDLETON: Michelle, do you have a copy 11 of that? I thought you put that into evidence. 12 MS. ODUM: I put the -- we referenced the 13 February 12th one. 14 MR. FRANSEEN: I provided him with a copy of 15 the one on the 1st. 16 MS. MIDDLETON: Okay. 17 A. Yes, that's correct. 18 Q. (BY MS. MIDDLETON) Okay. So you say he 19 erred by telling Shipp to go to medical? 20 A. No, ma'am. He erred by not doing anything to 21 take care of this. 22 Q. Well, did he not refer Mr. Shipp that he 23 needed to see medical? 24 A. I don't know that. 25 Q. Look at the bottom of that request. What's</p>
<p style="text-align: right;">Page 78</p> <p>1 either properly offloaded his foot -- feet on the 1st, 2 or provided the appropriate documentation that they 3 required on the 1st, that these sores would not have 4 formed? 5 A. You certainly can't predict that something is 6 or isn't going to happen medically, but by not doing 7 it, you're pretty much tipping the scales towards him 8 developing an ulcer in a deformed foot and the 9 complications that go along with that. 10 Q. Within a degree of medical certainty, is that 11 what happened in this case? 12 A. Yes. 13 MR. FRANSEEN: I'll pass the witness. 14 MS. ODUM: Do you have any follow-up? 15 MS. MIDDLETON: Yeah, I do. 16 MS. ODUM: Okay. 17 EXAMINATION 18 BY MS. MIDDLETON: 19 Q. I heard you say on the 1st that the warden 20 should -- when he received the request from Mr. Shipp 21 that he should have sent it to the H.S.A. 22 Is that correct? 23 A. On the 1st? Let me see. 24 Well, I don't know if I have it in here -- 25 the intake note.</p>	<p style="text-align: right;">Page 80</p> <p>1 the response? 2 A. He noted: Go see medical. 3 Q. Okay. So you're saying that was the wrong 4 response? 5 A. No, that's not the wrong response. 6 The wrong response is to be aware of this 7 problem in the first place and not be sure that -- you 8 need to be sure that the procedure was -- that things 9 were progressing, rather than everybody just saying, Oh 10 my God, he's got a Charcot foot, we ought to do 11 something about that. But apparently, nobody did. 12 Q. So you understand that Mr. Arnold does not 13 have any medical experience, correct? 14 A. That's true. 15 Q. So he is to second guess his medical staff? 16 A. No, ma'am. 17 MS. MIDDLETON: Michelle, that's all I have. 18 MS. ODUM: I don't have any more. 19 EXAMINATION 20 BY MR. FRANSEEN: 21 Q. In addition to telling Mr. Shipp to go to 22 medical, should he have notified the H.S.A. on the 1st? 23 A. I believe so. 24 Q. Because that's how -- ultimately, someone in 25 administration has to approve this without it coming</p>